

RESOLUTION NO. ZR-2021- 012

RESOLUTION APPROVING ZONING APPLICATION ZV/CA-2020-01844
(CONTROL NO. 2019-00070)
TYPE 2 VARIANCE (*CONCURRENT*)
APPLICATION OF BGTG Properties LLC,
The Busch Wildlife Sanctuary Foundation, Inc.
BY Gentile Glas Holloway O'Mahoney & Associates, Inc., AGENT
(THE BUSCH WILDLIFE SANCTUARY FOUNDATION)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended, is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/CA-2020-01844 was presented to the Zoning Commission at a public hearing conducted on April 1, 2021;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/CA-2020-01844 by the Board of County Commissioners;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/CA-2020-01844, the Application of BGTG Properties LLC, The Busch Wildlife Sanctuary Foundation, Inc., by Gentile Glas Holloway O'Mahoney & Associates, Inc., Agent, for a Type 2 Variance to eliminate a Right-of-Way Buffer, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 1, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Caliendo moved for the approval of the Resolution.

The motion was seconded by Commissioner Scarborough and, upon being put to a vote, the vote was as follows:

| | |
|-------------------------------------|-------|
| John Kern, Chair | - YES |
| Marcelle Griffith Burke, Vice Chair | - YES |
| Cheri Pavlik | - YES |
| Sam Caliendo | - YES |
| Michael Kelley | - YES |
| Sheri Scarborough | - YES |
| Alex Brumfield III | - YES |
| Mark Beatty | - YES |
| Jess Sowards | - YES |

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application ZV/CA-2020-01844 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:



COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY:



CHAIR

EXHIBIT A

LEGAL DESCRIPTION

THAT PART OF THE NORTH 1369 FEET OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 41 SOUTH, RANGE 41 EAST, LYING SOUTH OF THAT CERTAIN 50 FOOT CANAL RIGHT OF WAY PROXIMATE TO THE NORTH LINE OF SAID SECTION 2 AS SHOWN ON THE REPLAT OF JUPITER FARMS AND GROVES RECORDED IN PLAT BOOK 24, PAGE 7, PUBLIC RECORDES OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT FOR ROAD PURPOSES OVER AND ACROSS THE EAST 30 FEET THEREOF.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AND FOR UTILITY PURPOSES OVER, UPON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

BEGIN AT THE POINT OF INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP 41 SOUTH, RANGE 41 EAST, WITH A LINE 30 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SECTION 2; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE, TO THE SOUTH LINE OF THE NORTH 1367 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE WESTERLY, ALONG SAID SOUTH LINE OF THE NORTH 1367 FEET, TO THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER OF SECTION 2; THENCE NORTHERLY, ALONG SAID WEST LINE, TO THE SOUTH LINE OF THE NORTH 1307 FEET OF SAID SOUTHEAST QUARTER; THENCE EASTERLY, ALONG SAID SOUTH LINE OF THE NORTH 1307 FEET, TO A LINE 30 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 2; THENCE NORTHERLY, ALONG SAID PARALLEL LINE, TO THE SAID NORTH LINE OF SECTION 2; THENCE EASTERLY, ALONG SAID NORTH LINE OF SECTION 2, A DISTANCE OF 60 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING IN ALL 19.462 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

Location Map



EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 1, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

LANDSCAPE – PERIMETER - LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF 112TH DRIVE N)

1. Prior to final approval by the Development Review Officer (DRO), the Preliminary Site Plan shall be revised to provide for the following:

a. A 15 foot Right-of-Way Buffer shall be provided along 112th Drive N., beginning at the north limit of the existing swale located in the southwest corner of the subject site, continuing north for approximately 85 feet (to the edge of the identified Wetland 2 area); and,

b. Re-label the 15 ft. Public Easement as a 15 ft. Drainage Easement. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Zoning Commission for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

EXHIBIT D

REQUEST

| # | ULDC Article | REQUIRED | PROPOSED | VARIANCE |
|-----|--|----------------------|---|---|
| V.1 | Table 7.C.2.A, R-O-W Buffer Landscape Requirements | 15 foot R-O-W Buffer | Elimination of 312 feet of the 15 ft. R-O-W Buffer along 112 th Drive N. | Elimination of 312 feet of 15 foot R-O-W Buffer |